

## FACT SHEET

# **Americans with Disabilities Act**

## **An Overview**

(Public Law 101-336)

To this nation's over 43 million citizens with disabilities, the Americans with Disabilities Act (ADA), P.L. 101-336, is an unprecedented opportunity to eliminate the barriers to independence and productivity. The ADA is modeled after the Civil Rights Act of 1964 and Title V of the Rehabilitation Act of 1973. The purpose of the ADA is to extend to people with disabilities civil rights similar to those now available on the basis of race, color, national origin, sex and religion. It prohibits discrimination on the basis of disability in employment, services rendered by state and local governments, places of public accommodation, transportation, and telecommunication services.

### **EMPLOYMENT PROVISIONS (TITLE I)**

"No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures; the hiring, advancement, or discharge of employees; employee compensation; job training; and other terms, conditions, and privileges of employment."

Title I of the ADA prohibits discrimination against a qualified individual with a disability in employment practices and includes specific provisions related to reasonable accommodation, qualification standards and other labor-management issues.

The ADA requires equal opportunity in selection, testing and hiring of qualified applicants with disabilities.

The ADA prohibits discrimination against workers with disabilities. This provision is similar to the Civil Rights Act of 1964 and Title V of the Rehabilitation Act of 1973. Title I became effective in July 1992 for all employers with 25 or more employees, and in July 1994 for all employers with 15 or more employees.

The ADA employment provisions apply to private employers, state and local governments, employment agencies, labor organizations, and joint labor-management committees.

The ADA requires equal treatment in promotion and benefits.

The ADA requires reasonable accommodation for applicants and workers with disabilities when such accommodations would not impose "undue hardship." Reasonable accommodation is a concept already familiar to and widely used in today's workplace.

Employers may require that an individual not pose a direct threat to the health and safety of the individual or others.

Employers may not make pre-employment inquiries about an applicant's disability or conduct pre-employment medical exams. They may ask if applicants can perform specific job functions and may condition a job offer on the results of a medical exam, but only if the exam is required for all entering employees in similar jobs.

Employers may conduct tests for the illegal use of drugs and may prohibit illegal use of drugs and alcohol in the workplace.

For more information, the Disability and Communication Access Board has published detailed fact sheets titled *"Americans with Disabilities Act Title I - Employment of Persons with Disabilities An Overview," "Americans with Disabilities Act Title I - relating to Employment and Medical Examinations/Inquiries," "Americans with Disabilities Act Title I - Non-Discrimination in the Hiring Process," "Americans with Disabilities Act Title I - Definition of Individual with a Disability," "Americans with Disabilities Act Title I - relating to Employment and Drugs and Alcohol Use," and "Americans with Disabilities Act Title I - Enforcement Procedures," "Reasonable Accommodation."*

## **STATE AND LOCAL GOVERNMENT (TITLE II)**

"No qualified individual with a disability shall, by reason of such disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a state or a local government."

Title II of the ADA covers all activities, services, and programs of public entities which are under the jurisdiction of state and local government. These provisions generally became effective on January 26, 1992.

Public entities may not refuse to allow a person with a disability to participate in a service, program, or activity simply because that person has a disability.

Public entities must provide programs and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity.

Public entities must eliminate unnecessary eligibility standards or rules that deny persons with disabilities an equal opportunity to enjoy their services, programs, or activities.

Public entities must provide auxiliary aids and services when necessary to ensure effective communication unless an undue burden or fundamental alteration would result.

Public entities must ensure that newly constructed buildings and facilities are barrier-free.

Public entities need not remove physical barriers in all existing buildings, as long as they make their programs accessible.

For more information, Disability and Communication Access Board has published detailed fact sheets titled *"Americans with Disabilities Act - Title II affecting State and Local Governments, An Overview."*

## **PUBLIC ACCOMMODATIONS (TITLE III)**

"No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation."

Title III of the ADA addresses public accommodations, businesses, and services operated by private entities. Privately owned transportation is also included. Specific provisions of the Act vary from section to section laying out how equal access is to be achieved by particular entities. These provisions generally became effective on January 26, 1992.

Policies and practices must be changed in order to avoid discrimination.

Auxiliary aids and services are required unless the business can demonstrate undue burden.

For existing facilities, barriers must be removed when such removal can be accomplished without much difficulty or expense. If not, alternative methods of making goods and services available must be in place, if such methods are readily achievable.

For altered facilities, altered areas must be accessible to the maximum extent feasible. When alterations affect a primary function area, a path of travel to the altered area and restrooms serving the altered area must be accessible to the extent that added costs are not disproportionate.

New facilities must be accessible unless structurally impracticable.

Elevators need not be provided in buildings under three floors or with less than 3,000 square feet per floor, other than in shopping centers and health care buildings.

Bona fide private clubs and religious groups are not covered by these provisions.

For more information, the Disability and Communication Access Board has published detailed fact sheets titled *"Americans with Disabilities Act - Title III Coverage," "Americans with Disabilities Act - Title III New Construction and Alterations," "Americans with Disabilities Act Title - III Removal of Barriers," "Americans with Disabilities Act - Title III Exams and Courses," "Americans with Disabilities Act - Title III Exemptions for Private Clubs," "Americans with Disabilities Act - Title III Exemptions for Religious Entities," and "Americans with Disabilities Act - Title III Enforcement."*

## **TRANSPORTATION PROVISIONS - TITLES II AND III**

The ADA prohibits transportation providers from discriminating against qualified individuals with disabilities in transportation services offered to the general public whether offered by a public entity (under Title II) or a private entity (under Title III). This prohibition applies regardless of whether an entity receives federal funding and it extends to transportation service that is operated on a "fixed route" or "demand responsive" basis. It even applies to transportation provided by companies as a convenience for customers, such as shuttle buses to car rental companies at airports.

No entity shall discriminate against an individual with a disability in connection with the provision of transportation service.

An entity shall not, on the basis of disability, deny to any individual with a disability the opportunity to use the entity's transportation service for the general public, if the individual is capable of using that service.

An entity shall not require an individual with a disability to use designated priority seats, if the individual does not choose to use these seats.

An entity shall not impose special charges, not authorized by ADA transportation provisions, on individuals with disabilities, including individuals who use wheelchairs, for providing services required by the ADA transportation provisions or otherwise necessary to accommodate them.

An entity shall not require that an individual with disabilities be accompanied by an attendant.

An entity shall not refuse to serve an individual with a disability because its insurance company conditions coverage or rates on the absence of individuals with disabilities.

An entity may refuse to provide service to an individual with disabilities because that individual engages in violent, seriously disruptive, or illegal conduct. However, an entity shall not refuse to provide services to an individual with disabilities solely because the individual's disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience employees of the entity or other persons.

Specifications for the acquisition of accessible vehicles are provided. The requirement to purchase an accessible vehicle varies depending on whether the entity is private or public, operates a demand-responsive or fixed route system, as well as the size of the fleet.

Public agencies which offer fixed route service must also offer complementary paratransit services.

The Disability and Communication Access Board has published a detailed fact sheet titled *"Americans with Disabilities Act Transportation Requirements - An Overview."*

## **TELECOMMUNICATIONS (TITLE IV)**

Title IV of the ADA mandates that telecommunications relay services be offered by private companies and includes services operated by states to ensure that interstate and intrastate telecommunications relay services are available to hearing-impaired and speech-impaired individuals in the United States.

Telephone companies shall ensure that interstate and intrastate telecommunications relay services are available, not later than July 26, 1993.

Telecommunications relay services may be offered by the company itself or through another provider.

Telecommunications relay services must operate every day for 24 hours per day.

Telecommunications relay services may not cost more than voice services.

Relay operators may not refuse calls or limit the length of calls that use telecommunications relay services.

Relay operators must keep the content of any relayed conversation confidential and may not keep records of conversations.

Relay operators may not edit or change conversations.

The Disability and Communication Access Board has published a detailed fact sheet titled *"Americans with Disabilities Act - Title IV Relating to Telecommunications."*

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